

## SALON MARROW DYCKMAN NEWMAN &amp; BROUDY LLP

## ATTORNEYS AT LAW

JOHN PAUL FULCO, PC  
Partner

jfulco@salonmarrow.com

direct dial (646) 843-1917  
direct fax (646) 843-1918

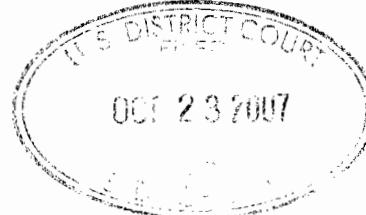
*John Paul Fulco  
10/23/07*

292 MADISON AVENUE, 6<sup>TH</sup> FLOOR

NEW YORK, NY 10017

Telephone (212) 661-7100

Facsimile (212) 661-3339



2 University Plaza, Suite 210  
Hackensack, NJ 07601  
Telephone (201) 662-0656  
Facsimile (201) 487-9054

257 Lyons Plains Road  
Weston, CT 06883  
Telephone (203) 227-0023  
Facsimile (646) 843-1910

800 Corporate Drive, Suite 208  
Ft. Lauderdale, FL 33334  
Telephone (954) 491-0099  
Facsimile (954) 491-1544

October 22, 2007

VIA FEDERAL EXPRESS

**MEMO ENDORSED**

Hon. Lisa M. Smith  
Chief U.S. Magistrate Judge  
United States Courthouse  
Southern District of New York  
300 Quarropas St., Rm. 428  
White Plains, New York 10601

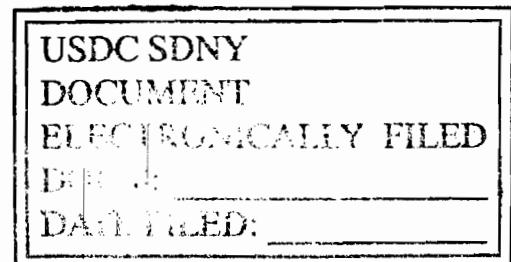
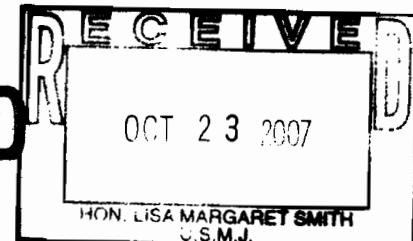
**Re: Medtech Prods., Inc. v. DenTek Oral Care, Inc., et al.,  
No. 07-CV-3302 (KMK)(LMS)**

Dear Judge Smith:

This firm represents defendant Kelly Kaplan in connection with the referenced matter. In accordance with Your Honor's Individual Practices, I write respectfully to request that the time for Ms. Kaplan to respond or otherwise move with respect to plaintiff Medtech Products, Inc.'s ("Plaintiff's") second amended complaint (the "Amended Complaint") be extended until November 28, 2007.

Ms. Kaplan only became a party to this case when she was served with a summons and the Amended Complaint on October 8, 2007. Ms. Kaplan's response to the Amended Complaint is currently due on October 29, 2007. This is Ms. Kaplan's first request for an extension. We have sought Plaintiff's consent to this application; however, Plaintiff's counsel (Amy Manning, Esq.) has agreed only to a two week extension of time. Counsel has not provided any reason for her refusal to consent to a further extension.

The Amended Complaint consists of 298 paragraphs (not inclusive of the prayer for relief section) spread over 63 pages, contains a voluminous exhibits addendum, and seeks damages from Ms. Kaplan based on breach of contract, civil conspiracy, trade secret misappropriation and



SALON MARROW DYCKMAN NEWMAN & BROUDY LLP

October 22, 2007

Page 2

tortious interference theories. In order to respond to this lengthy and complex Amended Complaint, counsel will be required to master the factual background of this case, consider complex legal issues, and determine whether a Rule 12 motion is appropriate, and if so, brief the motion.

Accordingly, it is respectfully submitted that the extension of time sought is reasonable in the circumstances, and we respectfully request that Your Honor grant Ms. Kaplan an extension of her time to respond or otherwise move with respect to the Amended Complaint until November 28, 2007.

Respectfully submitted,

JOHN PAUL FULCO, P.C.

By:

John Paul Fulco

JRF:pg

cc: All counsel of record via facsimile and first class mail